

17668 U.S. PTO
07/08/03

Patent
Attorney's Docket No. 021565-083

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

REQUEST FOR FILING CONTINUATION/DIVISIONAL
APPLICATION UNDER 37 C.F.R. § 1.53(b)

MAIL STOP PATENT APPLICATION

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450



21839

15735 U.S. PTO
10/614524
07/08/03

Sir:

This is a request for filing a ☒ continuation ☐ divisional application under 37 C.F.R. § 1.53(b) of pending Application No. 09/739,243 filed on December 19, 2000, for INSECTICIDAL PROTEINS FROM BACILLUS THURINGIENSIS, by the following named inventor(s):

- (a) Full Name Greta ARNAUT
- (b) Full Name Annemie BOETS
- (c) Full Name Nicole DAMME
- (d) Full Name Eva MATHIEU
- (d) Full Name Stijn VANNESTE
- (d) Full Name Jeroen VAN RIE

☐ Applicant(s) hereby requests that the above-captioned application **NOT BE PUBLISHED** under 35 U.S.C. § 122(b) and 37 C.F.R. § 1.211. The undersigned hereby certifies that the invention disclosed in this application has not and will not be the subject of an application filed in another country, or under a multilateral international agreement, that requires publication at eighteen months after filing.

☒ The entire disclosure of the prior application from which a copy of the oath or declaration is supplied herewith is considered as being part of the disclosure of the accompanying application and is hereby incorporated by reference therein.

☒ This application is being filed by less than all the inventors named in the prior application. In accordance with 37 C.F.R. 1.63(d)(2), the Commissioner is requested to delete the name(s) of the following person or persons who are not inventors of the invention being claimed in this application.

- (a) Full Name Eva MATHIEU
- (b) Full Name Stijn VANNESTE
- (c) Full Name _____

☐ This application is being filed by more than all the inventors named in the prior application. In accordance with 37 C.F.R. 1.63(d)(5), a new oath or declaration is enclosed, and the Commissioner is requested to add the name(s) of the following person or persons who are inventors of the invention being claimed in this application.

- (a) Full Name _____
- (b) Full Name _____
- (c) Full Name _____

- ☐ Applicant(s) suggests Figure for inclusion on the front page of the patent application publication and/or patent.
- ☐ Applicant(s) requests that the published application include the following assignment information: .
1. ☒ Enclosed is a copy of the prior Application No. 09/739,243 as originally filed on December 19, 2000, including copies of the specification, claims, drawings and the executed oath or declaration as filed.
 2. ☐ Enclosed is a revised prior application and a copy of the prior executed oath or declaration as filed. No new matter has been added to the revised application.
 3. ☐ Small entity status is hereby claimed.
 4. ☒ The filing fee is calculated below ☒ and in accordance with the enclosed preliminary amendment:

C L A I M S					
	No. OF CLAIMS		EXTRA CLAIMS	RATE	FEE
Basic Application Fee					\$750.00 (1001)
Total Claims	31	MINUS 20 =	11	× \$18.00 (1202) =	\$924.00
Independent Claims	4	MINUS 3 =	1	× \$84.00 (1201) =	\$84.00
If multiple dependent claims are presented, add \$280.00 (1203)					
Total Application Fee					\$1,758.00
If small entity status is claimed, subtract 50% of Total Application Fee					
Add Assignment Recording Fee of \$ <u> </u> if Assignment document is enclosed					
TOTAL APPLICATION FEE DUE					\$1,758.00

5. ☐ This application is being filed without a filing fee. Issuance of a Notice to File Missing Parts of Application is respectfully requested.
6. ☐ Charge \$ to Deposit Account No. 02-4800 for the fee due.
7. ☒ A check in the amount of \$ 1,758.00 is enclosed for the fee due.
8. ☒ The Director is hereby authorized to charge any appropriate fees under 37 C.F.R. §§ 1.16, 1.17 and 1.21 that may be required by this paper, and to credit any overpayment, to Deposit Account No. 02-4800. This paper is submitted in duplicate.

9. ☐ Cancel in this application original claims _ of the prior application before calculating the filing fee.
10. ☐ New drawings are enclosed.
11. ☐ Priority of Application No. _ filed on _ in _ (country) is claimed under 35 U.S.C. § 119.
- ☐ The certified copy of the priority application
- ☐ is enclosed.
- ☐ was filed on _ in prior Application No. _, filed on __, and acknowledged by the Examiner on _ in Paper No. _.
- ☐ has not yet been filed.
12. ☒ Please amend the specification by inserting before the first line the sentence:
- ☒ --This application is a ☒ continuation ☐ divisional of Application No. 09/739,243, filed on December 19, 2000, which claims priority from provisional Application No. 60/173,387, filed December 28, 1999--.
- ☐ --This application is a ☐ continuation ☐ divisional of U.S. Application No. __, filed on __, which was a national stage filing under 35 U.S.C. § 371 of International Application No. _ filed on _--.
- ☐ --This application is a ☐ continuation ☐ divisional of U.S. Application No. __, filed on __, which was a continuation of International Application No. __, filed on _--.
13. ☒ A preliminary amendment is enclosed.
14. ☒ An Information Disclosure Statement is enclosed.
15. ☐ A General Authorization for Payment of Fees and Petitions for Extensions of Time is enclosed.
16. ☒ Also enclosed Request for Transfer of Computer Readable Sequence Listing from Another Application to the Present Application.
17. ☒ The power of attorney in the prior application is to R. Danny Huntington, Esq..
- a. ☐ The power appears in the original papers in the prior application.
- b. ☒ Since the power does not appear in the original papers, a copy of the power in the prior application is enclosed.
- c. ☒ Recognize as Associate Attorney Malcolm K. McGowan, Ph.D..

- d. ☒ Address all future communications to: (May only be completed by applicant, or attorney or agent of record.)

BURNS, DOANE, SWECKER & MATHIS, L.L.P.
P.O. Box 1404
Alexandria, Virginia 22313-1404

Date: 8 July 2003

By: Malcolm K. McGowan
Malcolm K. McGowan, Ph.D.
Registration No. 39,300

ADDRESS OF SIGNATOR:

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☐ inventor(s)
☐ assignee of complete interest
☐ attorney or agent of record
☒ filed under 37 C.F.R. § 1.34(a)